

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION at AKRON**

<b>IN RE FIRSTENERGY SOLUTIONS CORP., ET AL.,</b>  <b>Debtors</b>	<b>Case No. 18-50757-AMK</b>  <b>Chapter 11</b>  <b>Honorable Alan M. Koschik, United States Bankruptcy Judge</b>
<b>FIRSTENERGY SOLUTIONS CORP.,</b>  <b>Plaintiff,</b>  <b>V.</b>  <b>BLUESTONE ENERGY SALES CORP.,</b>  <b>Defendant.</b>	        <b>Adversary Proceeding 18-5100</b>

**DEFENDANT’S MOTION TO STAY  
DISCOVERY AND SET ASIDE SCHEDULING ORDER**

Defendant Bluestone Energy Sales Corp. (“Bluestone”), through counsel, respectfully moves the Court to stay discovery and set aside all scheduling orders in this proceeding. In support of this Motion, Bluestone states as follows:

The most recent Scheduling Order in this case [Doc. 43] established the following deadlines:

- a. Bluestone shall serve its initial expert report(s) by Friday, February 28, 2020;
- b. All fact depositions shall be completed by Friday, March 27, 2020;
- c. FES shall serve rebuttal expert report(s), if any, by Friday, April 3, 2020; and
- d. All expert discovery shall be completed by Friday, April 17, 2020.

Those deadlines were negotiated by the parties following the filing of the Defendant's Second Motion To Further Amend Discovery Deadlines [Doc. 41]. As the Court is fully aware, the COVID-19 pandemic has grievously affected the operations of courts and law firms across the country, including the offices of lead counsel for the parties in New York and Kentucky. Over a week ago, counsel for Bluestone wrote opposing counsel to suggest that the difficulties associated with taking depositions—travel of at least counsel and potentially witnesses including experts; strains on social distancing with deponents, their attorneys, and court reporters at a minimum—and otherwise complying with the deadlines in this case warranted staying this proceeding and revising the remaining schedule after the risks have subsided. Bluestone's counsel has received no response to that suggestion.

As the Court is also aware, this case is merely a dispute over an amount due under a contract. There are no injunctive claims, nor is there any urgency to the resolution of this matter. Furthermore, counsel for both sides have recently indicated a willingness to attempt a resolution of this dispute without incurring further costs of discovery and litigation.

These matters can all be addressed by telephone with the Court at the non-evidentiary pretrial conference scheduled in this matter for April 20, 2020, by which time it is hoped that all will have a better idea of when it will be safe to resume normal litigation practices.

### **NOTICE**

PLEASE TAKE NOTICE that any objection to the relief sought in the foregoing Motion must be filed within 14 days, unless otherwise Ordered by the Court, from the date of service as set forth below in the Certificate of Service, and that the Court is authorized to grant the relief requested without further notice unless a timely objection is filed.

Respectfully submitted

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and  
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BLUESTONE ENERGY SALES CORP.

### **CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing Defendant's Motion To Stay Discovery And Set Aside Scheduling Order was served on this the 26th day of March, 2020, electronically in accordance with the method established under this Court's CM/ECF Administrative Procedures and applicable Standing Order(s), if any, upon the following:

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